IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 9284 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE PRADIP KUMAR SARKAR

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

PRESIDENT SHREE SANKHEDA MEWASHALPATI SEVA SANGH & SHREE

Versus

COMMISSIONER

Appearance:

MR BC DAVE for Petitioner

MR MUKESH A. PATEL for Respondent No. 1

CORAM : MR.JUSTICE PRADIP KUMAR SARKAR

Date of decision: 26/09/2000

ORAL JUDGEMENT

I have heard Mr.B.C.Dave, learned Counsel appearing on behalf of the petitioner and Mr.Mukesh A. Patel, learned AGP, on behalf of the respondent. The present application has been filed by the petitioner

Institute for quashing and setting aside the order of cancellation of recognition of the School at Annexure "E" to the petition. The petitioner is a Trust, which is running Shree Ranchhodrai Uttar Buniyadi Ashram Shala at Indral and the said Trust was recognized by the Government. Thereafter the petitioner shifted the School from Indral to Village Khandupura. Since no permission was obtained before shifting the School from Indral to Village Khandupura, the Government has cancelled the recognition of the School. It is an admitted fact that the School is imparting education to students of 8th, 9th and 10th standards. Learned Counsel for the petitioner submitted that by cancelling the recognition, the students of Standard 10 will suffer and they will not be able to appear for the Board Examinations of SSC, which will be conducted in March-April, 2001. It is also submitted that at this stage no Institute will admit these students and one academic year of these students will be lost.

Learned AGP submitted that apart from shifting the School from Indral to Village Khandupura without prior permission of the Government, many irregularities are also found in the running of the School. It is also submitted by the learned AGP that Schools are established by management and recognitions are given by the Government, considering the needs of particular locality. It is also submitted that no illegality has been committed by the Government in cancelling the recognition of the School. I do not like to go into the merits of the Government Order, but having regard to the fact of losing one academic year of the Students, who are pursuing the education in the said School, I am of the view that the interest of the Students needs to be protected. Consequently, I am of the opinion that the order of cancellation of recognition of the School at the mid of the academic session will be bound to affect the interest of the Students and, therefore, the order of cancellation of the recognition of the petitioner School can be effective only after 2000-2001 academic year expires. It is an admitted fact that the new academic session starts from March-April and the present academic session will be over by March, 2001. Therefore, the order of cancellation of recognition of the School by the order dated 7-7-2000 at Annexure "E" to the petition issued by the respondent Government shall be effective only after the expiry of the present academic session in March-April, 2001. The Institute may intimate the students that the School will be closed from the next academic session. The guardians may also be intimated to take care of their children for shifting from the

petitioner School to some other School.

With the aforesaid observations and directions, the petition is disposed of. Notice discharged. Direct service is permitted.

26-9-2000 (P.K. Sarkar, J.)

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